

**NEW UTILITY PATENT APPLICATION TRANSMITTAL
(Small Entity)***(Only for new nonprovisional applications under 37 CFR 1.53(b))*Docket No.
40178.2Total Pages in this Submission
35**TO THE ASSISTANT COMMISSIONER FOR PATENTS****Box Patent Application
Washington, D.C. 20231**

Transmitted herewith for filing under 35 U.S.C. 111(a) and 37 C.F.R. 1.53(b) is a new utility patent application for an invention entitled:

CONTACT LENS AND OPHTHALMIC SOLUTIONS

and invented by:

Chris De Bruijn, F. Richard Christ, Anthony J. Dziabo and Joseph VighIf a **CONTINUATION APPLICATION**, check appropriate box and supply the requisite information:☐ Continuation ☐ Divisional ☐ Continuation-in-part (CIP) of prior application No.: _____

Enclosed are:

Application Elements

1. ☒ Filing fee as calculated and transmitted as described below
2. ☒ Specification having 24 pages and including the following:
 - a. ☒ Descriptive Title of the Invention
 - b. ☐ Cross References to Related Applications *(if applicable)*
 - c. ☐ Statement Regarding Federally-sponsored Research/Development *(if applicable)*
 - d. ☐ Reference to Microfiche Appendix *(if applicable)*
 - e. ☒ Background of the Invention
 - f. ☒ Brief Summary of the Invention
 - g. ☐ Brief Description of the Drawings *(if drawings filed)*
 - h. ☒ Detailed Description
 - i. ☒ Claim(s) as Classified Below
 - j. ☒ Abstract of the Disclosure
3. ☐ Drawing(s) *(when necessary as prescribed by 35 USC 113)*
 - a. ☐ Formal
 - b. ☐ Informal

Number of Sheets _____

jc930 U.S. PTO
09/711784
11/13/00

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(Small Entity)**

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Application Elements (Continued)

4. ☒ Oath or Declaration
- a. ☒ Newly executed (*original or copy*) ☐ Unexecuted
- b. ☐ Copy from a prior application (37 CFR 1.63(d)) (*for continuation/divisional application only*)
- c. ☐ With Power of Attorney ☐ Without Power of Attorney
5. ☐ Incorporation By Reference (*usable if Box 4b is checked*)
The entire disclosure of the prior application, from which a copy of the oath or declaration is supplied under Box 4b, is considered as being part of the disclosure of the accompanying application and is hereby incorporated by reference therein.
6. ☐ Computer Program in Microfiche
7. ☐ Genetic Sequence Submission (*if applicable, all must be included*)
- a. ☐ Paper Copy
- b. ☐ Computer Readable Copy
- c. ☐ Statement Verifying Identical Paper and Computer Readable Copy

Accompanying Application Parts

8. ☒ Assignment Papers (*cover sheet & documents*)
9. ☐ 37 CFR(B) Statement (*when there is an assignee*)
10. ☐ English Translation Document (*if applicable*)
11. ☐ Information Disclosure Statement/PTO-1449 ☐ Copies of IDS Citations
12. ☐ Preliminary Amendment
13. ☒ Acknowledgment postcard
14. ☒ Certificate of Mailing
- ☐ First Class ☒ Express Mail (*Specify Label No.*): EM16350333US
15. ☐ Certified Copy of Priority Document(s) (*if foreign priority is claimed*)
16. ☒ Small Entity Statement(s) - Specify Number of Statements Submitted: two (2)

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Accompanying Application Parts (Continued)

17. ☐ Additional Enclosures (please identify below):

Fee Calculation and Transmittal

CLAIMS AS FILED

| For | #Filed | #Allowed | #Extra | Rate | Fee |
|--|--------|----------|--------|-----------|----------|
| Total Claims | 45 | - 20 = | 25 | x \$11.00 | \$275.00 |
| Indep. Claims | 8 | - 3 = | 5 | x \$41.00 | \$205.00 |
| Multiple Dependent Claims (check if applicable) <input type="checkbox"/> | | | | | \$0.00 |
| BASIC FEE | | | | | \$395.00 |
| OTHER FEE (specify purpose) Assignment Recordation Fee | | | | | \$40.00 |
| TOTAL FILING FEE | | | | | \$915.00 |

- ☒ A check in the amount of \$915.00 to cover the filing fee is enclosed.
- ☒ The Commissioner is hereby authorized to charge and credit Deposit Account No. 04-0259 as described below. A duplicate copy of this sheet is enclosed.
- ☐ Charge the amount of as filing fee.
- ☒ Credit any overpayment.
- ☒ Charge any additional filing fees required under 37 C.F.R. 1.16 and 1.17.
- ☐ Charge the issue fee set in 37 C.F.R. 1.18 at the mailing of the Notice of Allowance, pursuant to 37 C.F.R. 1.311(b).

Dated: August 6, 1998


Signature

Stefan J. Kirchanski
Registration No. 36568
GRAHAM & JAMES LLP
650 Town Center Drive, Sixth Floor
Costa Mesa, California 92626-1925
Tel. (714) 751-8800

cc: NDT, Inc.

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Chris De BRUIJN, et al.

Serial No: Not Assigned

Filed: November 13, 2000

For: CONTACT LENS AND OPHTHALMIC
SOLUTIONS

Art Unit: Not Assigned

Examiner: Not Assigned



CERTIFICATE OF MAILING VIA U.S. EXPRESS MAIL

"Express Mail" Mailing Label No. EL589806672US

Date of Deposit: November 13, 2000

Box PATENT APPLICATION

Commissioner for Patents

Washington, D.C. 20231

Dear Sir:

I hereby certify that

- ☒ two copies of a Continuation Application Transmittal
- ☒ check in amount of \$ 355 as filing fee
- ☒ copy of patent application (23 page(s) of specification; 45 claim(s); 1 page of abstract filed in parent application
- ☒ copy of executed Declaration and Power of Attorney
- ☒ copy Verified Statement (Declaration) Claiming Small Entity Status
- ☒ Preliminary Amendment

are being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service with sufficient postage under 37 C.F.R. § 1.10 on the date indicated above and are addressed to:

Box PATENT APPLICATION
Commissioner for Patents
Washington, D.C. 20231.

Date: November 13, 2000

Hogan & Hartson, LLP
500 South Grand Avenue, Suite 1900
Los Angeles, California 90071
Telephone: 213-337-6700
Facsimile: 213-337-6701

Darin Sutton
Name of person mailing papers

Signature

11-14-00

A



PATENT 82419.0003
Express Mail Label No. EL589806672

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Anticipated Classification
of this Application:

☒ Class 422 ☒ Subclass 028.000

Prior Application 09/130,542

Examiner: E. McCane

Art Unit: 1744



2/A
C.7.
3/6/01

CONTINUATION APPLICATION TRANSMITTAL

Box PATENT APPLICATION
Assistant Commissioner for Patents
Washington, D.C. 20231

Dear Sir:

This is a request for filing a new continuation application pursuant to 37 C.F.R. § 1.53(b), of pending prior application:

Serial No. 09/130,542 filed August 6, 1998, by Chris De Bruijn, F. Richard Christ, Anthony J. Dziabo, Joseph Vigh (inventors currently of record in prior application) for CONTACT LENS AND OPHTHALMIC SOLUTIONS.

1. ☒ Enclosed is a copy of the prior application, including the oath or declaration as originally filed, or a replacement specification which does not add new matter.
2. ☒ The filing fee is calculated below:

| CALCULATION OF FEES | | | | | | | | |
|---------------------|--|---------------------|-----|-------------------------|--|-----|-----------|--------|
| ITEM | | TOTAL NO. OF CLAIMS | | NO. OF CLAIMS OVER BASE | LG/SM \$ ENTITY FEE | | \$ AMOUNT | \$ FEE |
| A | TOTAL CLAIMS FEE | 12 | -20 | 0 | LG=\$18 SM=\$9 | \$ | 0 | |
| B | INDEPENDENT CLAIMS FEE* | 2 | -3 | 0 | LG=\$80 SM=\$40 | \$0 | 0 | |
| C | SUBTOTAL - ADDITIONAL CLAIMS FEE (ADD FINAL COLUMN IN LINES A + B) | | | | | | | \$ 0 |
| D | MULTIPLE-DEPENDENT CLAIMS FEE | | | | LARGE ENTITY FEE = \$270 SMALL ENTITY FEE = \$135 | | \$ 0 | |
| E | BASIC FEE | | | | LARGE ENTITY FEE = \$710 SMALL ENTITY FEE = \$355 | | \$ 355.00 | |
| F | TOTAL FILING FEE (ADD TOTALS FOR LINES C, D, AND E) | | | | | | | \$ 0 |
| | *LIST INDEPENDENT CLAIMS 46,52 | | | | | | | |

3. ☒ The Commissioner is hereby authorized to charge any fees which may be required, or credit any overpayment to Account No. 50-1314. A copy of this sheet is enclosed.

4. ☒ A check in the amount of \$ 355 is enclosed.
5. ☒ Cancel in this application original claim(s) 2-45 of the prior application before calculating the filing fee. (At least one original independent claim must be retained for filing purposes.)

6. ☒ Amend the specification by inserting before the first line the sentence:

A This is a ☒ continuation of application Serial No. 09/130,542 filed August 6, 1998, which application is hereby incorporated by reference in its entirety.

- 7a. ☐ New formal drawings are enclosed.

- 7b. ☐ Priority of application Serial Nos.:

[COUNTRY] application Serial No. [APPL'N #] filed [FILING DATE] is claimed under 35 U.S.C. § 119.

- 7c. ☐ The certified copy of the priority application was filed in prior application Serial No. [APPL'N #], filed [FILING DATE].

8. ☒ The prior application is assigned of record to: NDT, Inc.

9. ☒ The power of attorney in the prior application is as listed on the attached copy of the declaration filed in the patent application.

a. ☐ The power appears in the original papers in the prior application.

b. ☐ Since the power does not appear in the original papers, a copy of the power in the prior application is enclosed.

c. ☒ Address all future communications to:

Stefan J. Kirchanski
HOGAN & HARTSON L.L.P.
Biltmore Tower
500 South Grand Avenue, Suite 1900
Los Angeles, CA 90071
Telephone: (213) 337-6700
Facsimile: (213) 337-6701

- 10a. ☒ A preliminary amendment is enclosed. (Claims added by this amendment have been properly numbered consecutively beginning with the number next following the highest numbered original claim in the prior application.)

- 10b. ☐ A separate check for \$ is enclosed to cover additional claims added by the preliminary amendment.

